

FILED
UNITED STATES DISTRICT COURT CLERKS OFFICE
FOR THE DISTRICT OF MASSACHUSETTS

2004 JUN -8 P 12:42

BARBARA PRINCIOTTA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-10628 RGS
)	
TANAGER FINANCIAL)	
SERVICES, INC.,)	
)	
Defendant,)	
)	

PLAINTIFF'S ASSENTED TO MOTION TO REMAND

Now comes the plaintiff, Barbara Princiotta, pursuant to 28 U.S.C. 1447 (c) respectfully requests this Honorable Court to remand this action to Middlesex Superior Court. As reasons therefore, the Plaintiff states as follows:

1. Plaintiff originally filed her claim in Middlesex Superior Court alleging two counts against the Defendant. Count I for unlawful discrimination in violation of Mass. Gen. Laws. C.151B Section 4 and Count II for violation of the Family and Medical Leave Act of 1993.
2. Based on Plaintiff's Federal Claim in Count II of her Complaint, the Defendant removed this case to Federal Court.
3. Defendant has provided Plaintiff with a Certification signed by an authorized agent of Tanager Financial Services disclosing facts which substantiate Defendant's position that the Family and Medical Leave

Act of 1993 is not applicable to this action. (See Exhibit A, Certification).

4. Plaintiff has agreed to file a Stipulation of Dismissal with prejudice, dismissing Count II of her complaint only.
5. Plaintiff's remaining claim is a state claim.
6. No formal discovery has taken place in this action.
7. Defendant has assented to this Motion.

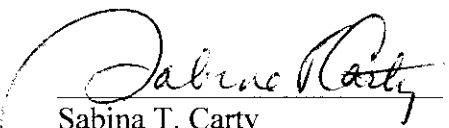
Wherefore, the Plaintiff requests this Honorable Court to remand this action to Middlesex Superior Court.

Respectfully Submitted,

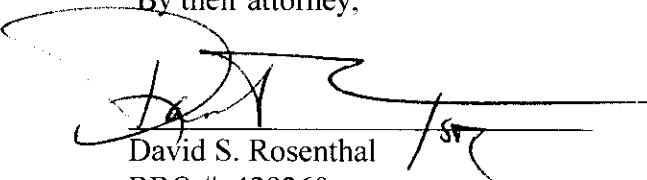
Assented to:

Barbara J. Princiotta,
By her attorney,

Tanager Financial Services,
By their attorney,



Sabina T. Carty
BBO #552265
Law Offices of Sabina T. Carty
944 Main Street, Suite 9B
Walpole, MA 02081
508-850-9088



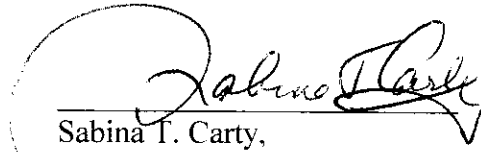
David S. Rosenthal
BBO # 429260
Stacey L. DiJon
BBO # 647142
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110
(617) 345-1000

Dated: June 7, 2004

CERTIFICATE OF SERVICE

I, Sabina T. Carty, attorney for the Plaintiff, Barbara J. Princiotta, hereby certify that on June 7, 2004, I served a copy of the above pleading or paper by mailing a copy of same, first-class mail, postage prepaid, to:

David S. Rosenthal
Stacey L. DiJon
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110



Sabina T. Carty,
BBO #552265